

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7174 of 2019**

- Dilip Yadav S/o Shri Shatruhan Yadav Aged About 32 Years
R/o Uparpara, Abhanpur, Tahsil And Police Station
Abhanpur, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police
Station Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Rekhraj Baghel, Advocate
For Respondent-State	:-	Mr. Vinod Kumar Tekam, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 485/2019 registered at Police Station - Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 25 & 27 of the Arms Act.
- As per the prosecution case, on 01.10.2019 at 21:10

o'clock, Assistant Sub Inspector along with his staff during patrolling, the information received by the police through informer, the unknown person threatened the general public through knife at Rawanbatha ground, block colony, Abhanpur subsequently the police surroundings and caught hold the applicant. Based on this, offence has been registered. The present applicants were produced for trial on 23.09.2019 before the Judicial Magistrate First Class where they were sent to jail.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the applicant did not act in a manner as it is alleged by the prosecution. He further submits that the false seizure memo has been prepared by the police in order to rope the applicant in the criminal case. As the applicant is in jail since 02.10.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.
- Per contra, State counsel strongly opposes the bail application of the applicant submitting that the present applicant was threatened the public through knife which was seized from him. He further submits that there are nine antecedents registered against him out of which one case are related to the present case.

- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature of the offence, facts and circumstances of the case, detention period of the applicant and further considering fact that the applicant is in jail since 02.10.2019 and as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-

(Rajani Dubey)
Judge